

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF DELAWARE**

BEVERLY WEATHERLY,)	
)	Case No.:
Plaintiff,)	
)	COMPLAINT AND DEMAND
v.)	FOR JURY TRIAL
)	
P&B CAPITAL, LLC,)	
)	(Unlawful Debt Collections
Defendant.)	Practices)
)	

COMPLAINT

BEVERLY WEATHERLY (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against P&B CAPITAL, LLC (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28

1 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising
2 under the laws of the United States.

3 3. Defendant conducts business in the State of Delaware, and as such,
4 personal jurisdiction is established.

5
6 4. Venue is proper pursuant to 28 U.S.C. §1391 (b)(2).

7 **PARTIES**

8 5. Plaintiff is a natural person residing in Wilmington, Delaware 19802.

9 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692
10 a(3).

11
12 7. Defendant is a national debt collection company with its corporate
13 headquarters located at 455 Center Road, West Seneca, New York 14224.

14 8. Defendant collects, and attempts to collect, consumer debts incurred,
15 or alleged to have been incurred, for personal, family or household purposes on
16 behalf of creditors and debt buyers using the U.S. Mail, telephone and/or internet.

17 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C.
18 §1692 a(6), and sought to collect a debt from Plaintiff.

19 10. The principal purpose of Defendant’s business is debt collection.

20
21 11. Defendant acted through its agents, employees, officers, members,
22 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
23 representatives, and insurers.
24
25

FACTUAL ALLEGATIONS

12. Defendant was attempting to collect an alleged credit card debt from Plaintiff that was primarily incurred for personal, family or household purposes.

13. By way of background Defendant began calling Plaintiff in or around September 2016.

14. Defendant has placed telephone calls to Plaintiff from phone numbers including, but not limited to (425) 654-5500. The undersigned has confirmed that this phone number belongs to Defendant.

15. Desiring calls to stop, Plaintiff told Defendant to stop call soon after the calls began.

16. However, Defendant ignored Plaintiff's request and continued to call Plaintiff.

17. Thereafter, between November 2016 and December 2016, Defendant's collectors placed repeated harassing telephone calls to Plaintiff's cellular telephone.

18. As Defendant knew its calls were unwanted, these calls could only have been placed for the purpose of harassing Plaintiff.

19. Defendant's actions as described herein were taken with the intent to harass, upset and coerce payment from Plaintiff.

COUNT I
DEFENDANT VIOLATED §§1692d and d(5) OF THE FDCPA

20. A debt collector violates §1692 (d) of the FDCPA by engaging in conduct the natural consequence is to harass, oppress, or abuse any person in connection with the collection of a debt.

21. A debt collector violates §1692 (d)(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse or harass any person at the called number.

22. Defendant violated these sections when it placed repeated and harassing telephone calls to Plaintiff's cellular telephone between November 2016 and December 2016 knowing that its calls were unwanted.

WHEREFORE, Plaintiff, BEVERLY WEATHERLY, respectfully prays for judgment as follows:

- a. All actual damages suffered by Plaintiff pursuant to 15 U.S.C. §1692 (k)(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. §1692 (k)(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other

litigation expenses incurred by Plaintiff pursuant to 15 U.S.C.

§1693 (k)(a)(3);

d. Any other relief deemed appropriate by this Honorable Court.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, BEVERLY WEATHERLY,
demands a jury trial in this case.

Respectfully submitted,

Dated: November 3, 2017

By: /s/ W. Christopher Componovo

W. Christopher Componovo

Attorney ID #3234

Kimmel & Silverman, P.C.

Silverside Carr Executive Center

Suite 118, 501 Silverside Road

Wilmington, DE 19809

Phone: (302) 791-9373

Facsimile: (302) 791-9476